

forming device having an annular shape with a diameter less than a radial length of the polishing cloth, and

A3
a tool arm connected to the forming device, said tool arm being moved along [a radial direction of] the polishing cloth [and perpendicular to the radial direction] to thereby form the fluff on the polishing cloth while polishing is being made by the polishing cloth.

REMARKS

Applicants hereby submit the foregoing amended claims 1, 6, and 11. Applicants respectfully submit that the currently pending amended claims 1, 6, and 11 constitute a clear basis for reissue and that all pending claims are patentable over the art of record. Applicants verily believe the original patent, namely, U.S. Patent No. 5,605,499, is wholly or partly inoperative or invalid by reason of the Applicants claiming less than they have a right to claim in the patent.

The insufficiencies of originally issued claims 1, 6 and 11 in U.S. Patent No. 5,605,499 relate to the existence of an unnecessary limitation appearing in each of claims 1, 6, and 11 requiring that the tool for conditioning (*i.e.*, for forming the "fluff" on) the polishing pad be "moved along a radial direction of the polishing cloth and perpendicular to the radial direction." As described in the specification, and as one skilled in the art will appreciate, this directional limitation for movement of the conditioning tool is not necessary. Any movement of the tool which effects conditioning of the polishing cloth suffices. Accordingly, this limitation unnecessarily limits claims 1, 6, and 11.

This preliminary amendment removes this unnecessary limitation from each of claims 1, 6, and 11. The amendments to the claims are fully supported in the original patent specification (column 9, lines 61-67) and hence, add no new matter to the application.

It is submitted that the claims 1, 6, and 11, as amended, properly set forth that which applicants regard as their invention and are allowable over the art of record. The defects in the claims constitute an adequate basis for reissue of U.S. patent no. 5,605,499 and are properly supported by the Declarations submitted herewith.

Favorable consideration of this reissue application is earnestly solicited. The Examiner is invited to contact the undersigned at the number listed below to discuss the matters set forth above in greater detail.

Dated this 28 day of October, 1997.

Respectfully submitted,

By: _____

Troy M. Schmelzer
Reg. No. 36,667

SNELL & WILMER, L.L.P.
One Arizona Center
Phoenix, Arizona 85004-0001
(602) 382-6241
FAX: 602 (382) 6070

266207-1E409620